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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/012,144	01/22/1998	THOMAS A. NAPOLI	77140DMW	1786
1333 7590 03/17/2008 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2622	
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			03/17/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/012,144

**Applicant(s)**

NAPOLI ET AL.

**Examiner**

LUONG T. NGUYEN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9, 12, 13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12, 13, 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.

In re pages 7-8, Applicants argue that Kawamura fails to teach or suggest at least a quick view feature including a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image, and then automatically turning off the image display after the period has elapsed as required by Applicants' independent claims.

In response, it should be noted that independent claims 5 and 9 do not recite the limitation "automatically turning off the image display after the period has elapsed," only independent claims 1 and 13 recite this limitation.

Regarding claim 1, the Applicants recite limitation "said quick view feature including a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image, and then automatically turning off the image display after the period has elapsed;" and regarding claim 13, the Applicants recite limitation "selectively enabling a quick view feature in which the image display is automatically turned on in response to actuation of the shutter button for a period of time after the image is captured in order to display the captured image stored in the first buffer memory, and then automatically turned off after the period has elapsed." The Examiner considers that claim 1 and 13 as claimed

still do not distinguish from Kawamura et al. in view of Nagano. Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13), which reads on limitation *“a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image.”* Kawamura et al. only fails to specifically disclose *automatically turning off the image display after the period has elapsed*. However, Nagano discloses this feature. Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al. (US 7,092,024).

Regarding claim 5, Kawamura et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

- an optical viewfinder (optical finder 14, figure 5, column 6, lines 45-54) for composing an image prior to image capture;

- a sensor (imaging portion 1, figures 2, 5, column 3, lines 3-24; column 6, lines 29-53) for capturing an image;

- a first buffer memory (buffer, column 3, lines 3-23) for storing the captured image;

- an electronic image display (display portion 4, figures 2, 5, column 3, lines 3-24; column 6, lines 29-67) for displaying the captured image stored in the first buffer memory;

- a processing section (control portion 5, figures 2, 5, column 3, lines 3-34) for performing image processing on the captured image over a period of time and generating a processed image file therefrom, said processing section further responsive to an erase command in order to erase the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20);

- a second memory (memory portion 6, figure 2, column 3, lines 3-23) for storing the processed image file;

- a user interface (detecting portion 2, figure 5, column 6, lines 33-53) for selectively enabling a quick view feature in which the image display is automatically turned on after an image is captured (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13), the user interface including an actuatable shutter button

(release button 12, figure 5, column 6, lines 29-53) effective when actuating for permitting the image sensor to capture image;

an image display controller responsive to actuation of the shutter button for automatically powering up the image display after the image is captured in order to display the captured image stored in the first buffer memory (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12; figures 1A, 2, column 12, lines 3-13);

said user interface further providing the erase command to the processing section, which thereupon erases the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 8, lines 10-24).

As for claim 9 all the limitations are contained in claim 5. Therefore, see Examiner's comment regarding claim 5.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 8, 12, 13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 7,092,024) in view of Nagano (US 5,561,462).

Regarding claim 1, Kawamura et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

an optical viewfinder (optical finder 14, figure 5, column 6, lines 45-54) for composing an image prior to image capture;

a sensor (imaging portion 1, figures 2, 5, column 3, lines 3-24; column 6, lines 29-53) for capturing the composed image;

an actuable shutter button (release button 12, figure 5, column 6, lines 29-53) effective when actuating for permitting the sensor to capture the image;

an electronic image display (display portion 4, figures 2, 5, column 3, lines 3-24; column 6, lines 29-67) for displaying the captured image;

a quick view feature in which the image display is automatically turned on in response to actuation of the shutter button, without user intervention, for a period of time after an image is captured, said quick view feature including a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13).

Kawamura et al. fails to specifically disclose automatically turning off the image display after the period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the

electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 2, Kawamura et al. discloses a memory section (memory portion 6, figure 2, column 3, lines 3-23) for storing the captured image.

Regarding claim 3, Kawamura et al. discloses a buffer memory (buffer, column 3, lines 3-23) for storing the captured image in order that it may be quickly displayed by the image display during an initial review and an output memory (memory portion 6, column 3, lines 3-23) for storing the captured image after it has been judged to be acceptable during the initial review.

Regarding claim 4, Kawamura et al. discloses a processing section (control portion 5, figures 2, 5, column 3, lines 3-34) for operating on the captured image in order to store the captured image in the output memory and a user interface (detecting portion 2, figure 5, column 6, lines 33-53) provides an erase command to the processing section to erase the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 8, lines 10-24).



Regarding claims 6, 12, Kawamura et al. discloses the image display controller automatically powers up the image display for a predetermined period after the image is captured by the sensor in order to display the captured image stored in the first buffer memory (figures 1A, 2, column 12, lines 3-13).

Kawamura et al. fails to specifically disclose automatically turns off the image display after the predetermined period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 8, Kawamura et al. discloses wherein the processing section responds to the erase command by terminating the processing and deleting the partially completed image file from the second memory (Kawamura et al discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory

portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6; figures 2, 5, column 8, lines 10-25).

Regarding claim 13, Kawamura et al. discloses a method for capturing and displaying an image with an electronic camera, said method comprising the steps of:

- capturing the image in response to actuation of a shutter button (release button 12, figure 5, column 6, lines 29-53);

- storing the captured image in a buffer memory (buffer, column 3, lines 3-23);

- displaying the captured image in a processing section over a period of time, including the generation of a processed image file therefrom (display portion 4, figures 2, 5, column 3, lines 3-24; column 6, lines 29-67);

- storing the processed image file in a second memory (memory portion 6, figure 2, column 3, lines 3-23);

- selectively enabling a quick view feature in which the image display is automatically turned on in response to actuation of the shutter button for a period of time after the image is captured in order to display the captured image stored in the first buffer memory (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13);

providing an erase command to the processing section, which erases the captured image prior to completion of the processing (CLEAR button 27 is used to erase the recorded data, figure 5, column 8, lines 10-24).

Kawamura et al. fails to specifically disclose automatically turning off the image display after the period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 15, Kawamura et al. discloses wherein the captured image is erased by terminating the processing and deleting the partially processed image file from the second memory (Kawamura et al discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image

data file is deleted before the processed image file is recording in memory portion 6; figures 2, 5, column 8, lines 10-25).

Regarding claims 16, 18, Kawamura et al. discloses wherein the processing section erases the captured image prior to completion of the processing (Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully depressed, the photograph image data is not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6, figures 2, 5, column 8, lines 10-25).

Regarding claim 17, Kawamura et al. discloses wherein the processor responds to the erase command by terminating the processing and deleting a partially completed image file from the second memory (Kawamura et al. discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 - column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully depressed, the photograph image data is not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6, figures 2, 5, column 8, lines 10-25).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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03/02/08